

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RUSSELL L. SILICATO, individually, and	:	C.A. No.: 1:07-cv-00557
KATHERINE L. SILICATO, individually,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
TIMOTHY RYAN RICHARDSON,	:	
individually, and	:	
CHARLES A. KLEIN & SONS INC.,	:	
a Foreign Corporation,	:	
	:	
Defendants.	:	

DEFENDANTS' ANSWER TO COMPLAINT

1. Admitted that citizenship of the parties is diverse. Denied that the amount in controversy exceeds Seventy Five Thousand Dollars.

2. Admitted.

3. Admitted.

4. Defendants are without sufficient information or knowledge to determine the truth of this averment.

5. Defendants are without sufficient information or knowledge to determine the truth of this averment.

6. Admitted.

7. Admitted.

8. Denied as stated.

COUNT 1

9. Defendants hereby incorporate their answers set forth in paragraphs 1 through 8 as if set forth fully herein.

10. Upon information and belief, admitted.

11. Denied as stated.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

COUNT II

19. Defendants hereby incorporate their answers set forth in paragraphs 1 through 18 as if set forth fully herein.

20. Denied.

21. Denied.

22. Denied.

23. Denied.

24. Denied.

WHEREFORE, defendants demand judgment in their favor and dismissal of plaintiffs' Complaint with costs of this action assessed against the plaintiffs.

FIRST AFFIRMATIVE DEFENSE

Plaintiffs fail to state a claim for punitive damages upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs fail to state a claim for attorneys' fees upon which relief can be granted.

THIRD AFFIRMATIVE DEFENSE

The accident and any resulting injuries were proximately caused by the negligence of plaintiff Russell L. Silicato in that he failed to maintain proper control of his vehicle and, therefore, plaintiffs are barred from making a recovery.

WHEREFORE, defendants demand judgment in their favor and dismissal of plaintiffs' Complaint with costs of this action assessed against the plaintiffs.

BIFFERATO GENTILOTTI LLC

/s/ Maria J. Poehner

MARIA J. POEHNER, Esquire (3213)

800 N. King Street

P.O. Box 2165

Wilmington, DE 19899-2165

(302) 429-1900

Attorney for Defendants

Date: 11/1/07